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REMARKS

Claims 1-35 are pending in the subject application. Claims 1-4 and 7-25 are presently under consideration. A version of all pending claims is found at pages 2-8. Applicant's representative notes with appreciation the Examiner's indication that claims 20 and 24 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Thus, claims 20 and 24 have been amended herein to comport with the Examiner's recommendation. Further, claim 19 has been amended to cure minor informalities, and claim 26 has been amended herein to further emphasize various novel aspects of the claimed invention. Favorable reconsideration of the subject patent application is respectfully requested in view of the amendments and comments herein.

I. Rejection of Claims 20 and 24 Under 35 U.S.C. §112

Claims 20 and 24 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is respectfully requested that this rejection be withdrawn for at least the following reason. Claims 20 and 24 have been re-written herein to be in independent form as recommended by Examiner. In view of the amendments made herein to claims 20 and 24, it is submitted that this rejection should be withdrawn.

II. Rejection of Claims 20 and 24 Under 35 U.S.C. §101

Claims 20 and 24 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. It is respectfully requested that this rejection be withdrawn for at least the following reason. Claims 20 and 24 have been re-drafted herein as recommended by Examiner. In view of these amendments, it is requested that this rejection be withdrawn.

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III. Rejection of Claims 1-4, 7-13 and 15-25 Under 35 U.S.C. §102(e)

Claims 1-4, 7-13 and 15-25 stand rejected under 35 U.S.C. §102(e) as being anticipated by Boehm *et al.* (U.S. Patent No. 6,457,170). It is respectfully requested that this rejection be withdrawn for at least the following reason. Boehm *et al.* fails to expressly or inherently recite each and every limitation set forth in the patent claim.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation* set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicant's claimed invention relates to a system and method that communicates, collects and distributes generated shared files. Independent claims 1, 15, 19, 21 and 25, together with claims that depend therefrom recite, a system and method that *persistently stores build files on one or more build machines*. In particular, the build manager, a process that oversees building a software system and that manages collection and distribution of build files to build machines, distributes a portion of the build files employed in building a software system to one or more build machines, so that the distributed build files are persistently stored on the one or more build machines. Boehm *et al.* does not disclose this facility.

Boehm *et al.* relates to building a software system in a networked software development environment. In particular, Boehm *et al.* utilizes a networked cache linked structure, wherein build files are *linked* over the network to networked caches. This is in contrast to the applicant's claimed invention which *persistently stores* build files locally on build machines that are targeted by a build master to perform some operation on the distributed build files. Thus, applicants' claimed invention reduces overall network

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traffic, as no network links need be maintained to various network caches, and further the overall speed of the build process can be increased.

It is apparent, therefore, that Boehm *et al.* does not teach or suggest persistently storing build files on one or more build machines. Consequently, Boehm *et al.* does not teach each and every limitation set forth in the patent claim. Accordingly, in view of at least the foregoing, this rejection should be withdrawn with respect to independent claims 1, 15, 19, 21 and 25 and those claims that depend therefrom.

IV. Rejection of Claim 14 Under 35 U.S.C. §103(a)

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Boehm *et al.* (U.S. Patent No. 6,457,170) in view of Lubkin *et al.* (U.S. Patent No. 5,339,435). It is respectfully requested that this rejection be withdrawn for at least the following reason. Claim 14 depends from independent claim 1, and Lubkin *et al.* does not make up for the aforementioned deficiencies presented by Boehm *et al.* with respect to independent claim 1, as discussed above. Accordingly, withdrawal of this rejection and allowance of claim 14 is respectfully requested.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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